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WILMER CUTLER PICKERING HALE AND DORR LLP  
60 STATE STREET  
BOSTON, MA 02109

**JUN 01 2006**

**OFFICE OF PETITIONS**

In re Application of :  
Sumner, et al. : DECISION GRANTING PETITION  
Application No. 10/060,020 : UNDER 37 CFR 1.137(b)  
Filed: January 29, 2002 :  
Docket No.: 113041.125 :  
:

This decision is in response to the petition under 37 CFR 1.181, filed May 15, 2006.

The petition is **GRANTED**.

The above-identified application was held abandoned January 27, 2006 for failure to timely submit a proper reply to the non-final Office action mailed October 26, 2005. The non-final Office action set a three month shortened statutory period of time for reply. Applicants have provided a copy of a Notice of Abandonment dated May 1, 2006.

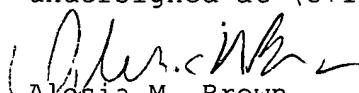
Petitioners allege that a response to the non-final Office action and a petition for extension of time were timely submitted April 25, 2006. Petitioners have provided copies of the response alleged to have been timely submitted along with a copy of a date stamped return postcard.

Petitioners arguments have been carefully considered and found convincing. Moreover, the response to the non-final Office action, received April 27, 2006 (certificate of mailing date of April 25, 2005), has been located in the official application file.

Accordingly, the Notice of Abandonment is vacated and the holding of abandonment is withdrawn.

This application is being forwarded to Technology Center 2600 for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3205.

  
Alesia M. Brown  
Petitions Attorney  
Office of Petitions